

253017

2014187.E

Duke, Daphne

From: Easterling, Deborah
Sent: Monday, October 20, 2014 8:45 AM
To: Duke, Daphne
Subject: FW: Following Appeal
Attachments: A_CertificateOfService14-10-17.doc; A_Designation14-10-17.doc;
A_InitialBrief14-10-17.doc; Letter2SupClerk14-10-15.doc

From: joe4ocean@aim.com [mailto:joe4ocean@aim.com]
Sent: Friday, October 17, 2014 9:14 PM
To: joe4ocean@aim.com; PSC_Contact; Scott, Dukes
Cc: info@barackobama.com
Subject: Following Appeal

Dear Ms. Boyd:

Enclosed are files following my Notice of Appeal from your/PSC Order 2014-785 still assuming BLRA as a legal ground to allow overcharges SCE&G 675,000 customers. You know that SCANA lawyers never did and cannot meet BLRA Definition. This way to cover costs of the nuclear project in Jenkinsville is wrong and unethical GA got \$6.5 billion for their twin project so SC could do the same. The Criminal negligence made millions of victims including veterans and retirees. PSC still have a legal and humanitarian chance to end this scandal as was done for Enron in 2001.

We, the victims still have a hope to your sense of justice and acting accoring to your Motto.

*Sincerely,
Joseph Wojcicki - the energy consulatnt and ex-intervenor.*

TABLE OF AUTHORITIES

CASES

Enron (NYSE:ENE) Corporation scandal ¹.

Dynegy (NYSE:DYN) scandal ²

Vogtle 3 & 4 Project ³

STATUTES

S.C. Code Sec. 58-33-220 (2)

S.C. Code Sec. 16-13-260

31 U.S.C. 3729 *et seq.*

PUBLIC SERVICE COMMISSION ORDERS:

No. 2009-104(A); No. 2011-345; No. 2012-884; No. 2013-5; and No. 2014-78

¹ http://en.wikipedia.org/wiki/Enron_scandal;
<http://www.forbes.com/sites/kensilverstein/2013/05/14/enron-ethics-and-todays-corporate-values/>; http://www.global-ethic-now.de/gen-eng/0d_weltethos-und-wirtschaft/0d-01-globale-wirtschaft/0d-01-201-enron-konzern.php;
<http://politicalhumor.about.com/library/blenronscandal.htm>

² <http://en.wikipedia.org/wiki/Dynegy>; http://www.nbcnews.com/id/3475285/ns/business-corporate_scandals/t/ex-dynegy-exec-convicted-fraud/#.VDzO1SjuTZc

³ <http://www.georgiapower.com/about-energy/energy-sources/nuclear/overview.cshtml>;
<http://www.nei.org/News-Media/News/News-Archives/DOE-Finalizes-Vogtle-Loan-Guarantees>

STATEMENT OF ISSUES ON APPEAL

1. DID THE ORS/PSC ERR IN OVERLOOKING LIMITATIONS SET BY BLRA DEFINITION IN ORDERS NO. 2009-104(A) AND FOLLOWING, PUTTING UNCERTAIN FINANCIAL BURDEN ON S.C. kWh RATEPAYERS TO THIS PROJECT LOCATED IN JENKINSVILLE, SC?
2. DID THE COMMISSION ERR IN FAILING TO PROPERLY CHECKOUT BLRA DEFINITION TO BE MET BY THE APPLICATION / PROJECT?
3. DID THE ORS/PSC ERR IN FAILING TO ACCEPT A CHALLENGE OF FALSE CLAIMED ASSUMPTION OF BLRA (FCA of BLRA)?
4. DID THE ORS/PSC ERR IN REJECTING THE INDEPENDENT TECHNICAL / ENGINEERING ANALYSIS OF FCA OF BLRA?
5. DID THE ORS/PSC ERR IN ALLOWING SCANA LEGAL TEAM TO INTRODUCE MANY TIMES QUESTIONED FINANCIAL BURDEN ON S.C. ELECTRICITY USERS OVERLOOKING ETHICAL/ECONOMICAL/CRIMINAL WRONG DOING?
6. DID THE ORS/PSC ERR IN NEGLECTING PUBLIC HEALTH JEOPARDY BY SIGNIFICANTLY HIGHER kWh RATES IN SUMMER HEAT WAVES' SEASONS WHEN HARSH ECONOMY AND LOWERED BUDGETS PRESSED PEOPLE TO SAVE ON AIR CONDITIONING?
7. DID THE ORS/PSC ERR IN FAILING TO REQUEST FROM SCANA FULL ENGINEERING ANALYSIS FOR LOW FLOWS IN THE BROAD RIVER?
8. DID THE ORS/PSC ERR IN ANALYZING ECONOMY OF STATE AND NATIONAL WATER POLICY?
9. DID THE PSC ERR IN BREACHING ITS OWN
"Our Mission: A Fair, Open, And Efficient Regulatory Process That Promotes Cost-Effective And Reliable Utility Services"?
- 9.1. IN A FAIR - BY IGNORING ECONOMICAL SITUATION IN THE USA AND S.C.
- 9.2. IN OPEN – BY IGNORING PROTESTS AND CHALLENGES, WITH THE VERY WEAK LEADERSHIP OVER WEAK ENGINEERING PSC TEAM, WHICH WAS NEVER REPORTED TO S.C. LEGISLATURE IN THE LIGHT OF BLRA.
- 9.3. IN RELIABLE UTILITIES SERVICES – BY PUTTING SCE&G EMPLOYEES IN JEOPARDY OF ENRON TYPE SCANDAL.
- 9.4. IN SIGNIFICANT kWh RATE INCREASES THAT INDICATE LACK OF COST-EFFECTIVENESS FOR STATE OF S.C., ITS PEOPLE AND BUSINESSES.
- 9.5. OVER-LEGALESE IN PSC INCREASED COST OF LICENSING AND DID NOT PREVENT FCA OF BLRA.
10. DID THE ORS ERR IN DISRESPECTING ITS OWN MISSION?
- 10.1. BY APPROVING HIGHER kWh RTES AGAINST BLRA DEFINITION HURTS THE CONSUMING PUBLIC INTEREST
- 10.2. BY USING SCE&G CUSTOMERS FOR SCANA FINANCIAL SCANDAL,
- 10.3. BY REMOVING FROM STATE ECONOMIC DEVELOPMENT BILLIONS OF DOLLARS.
- 10.4. BY COVERING UP MISLEADING NUMBERS FROM STATE AND FEDERAL COMMISSIONS IN THE COOLING WATER PROBLEMS; SOME OF THEM WERE ACCEPTED *EX CATHEDRA*, E.G. 76 DAY RESERVE IN MONTICELLO RESERVOIR WITHOUT COMPARING TO REAL RECORDS OF DURATION, ESPECIALLY IN DROUGHT SEASONS.

11. DID THE ORS/PSC ERR IN IGNORING SECOND DUKE'S NUCLEAR 2 * AP 1000 PLANT LOCATED NEAR THE BROAD RIVER WITH IT AS A SOURCE FOR COOLING?

12. DID THE ORS/PSC ERR IN IGNORING REQUIRED BEFORE APPLICATION IN 2008 TO AMEND FERC P-1894 LICENSING FOR PARR RESERVOIR COMPLEX ON THE BROAD RIVER?

13. DID THE ORS/PSC ERR IN IGNORING FULL ELECTRO-ECONOMICAL ANALYSIS INCLUDING SMART NATIONAL GRID AND BUSH-OBAMA STIMULUS?

14. DID THE ORS/PSC ERR IN INVESTIGATION OF PROFESSIONAL ETHICAL /CRIMINAL AND NEGLIGENCE/OBSTRUCTION OF JUSTICE ASPECTS?

STATEMENT OF THE CASE.

All Public Service Commission (PSC) of South Carolina Orders were issued on the ground of false claimed assumption of S.C. Base Load Review Act (FCA of BLRA), which is baseless because the BLRA Definition was never met, never proven, was ignored in the licensing process before PSC since 2008 and it cannot be proven as found in Engineering Analysis. Therefore, any usage of BLRA for VC Summer Units 2 and 3 in Jenkinsville, SC project is not prudent⁴.

I, Joseph Edward Wojcicki - the advocate for millions of victims of SCANA (NYSE:SCG) / SCE&G who are being illegally overcharged by electric kWh rates using the FCA of BLRA, do appeal PSC Order No. 2014-785 dated September 30, 2014 as well as entire process of denying my interventions in above matter/case with last PSC Directive/Order No. 2014-764 received September 24, 2014. Please note that this case is an exceptional/extraordinary in its financial multibillion burden put on victims but very similar to infamous the U.S. corporate global scandals: Enron (NYSE:ENE -2001)¹ and Dynegy (NYSE:DYN-2012)². The mandate to advocate victims comes from SC Attorney General Office (Engineering Analysis - Exhibit W-15)⁴. The fair, according to FCA, return of illegally collected funds shall total all approved by previous PSC orders with punitive damages and ROI percentages.

⁴ ENGINEERING, LOGICAL, AND COMMON SENSE ANALYSIS OF FALSE CLAIMED ASSUMPTION OF S.C. BASE LOAD REVIEW ACT (FCA of BLRA) USED TO GET INCREASED kWh RATES BY SCANA CORPORATION FROM SCE&G COMPANY RATEPAYERS AND THE CONSEQUENCES ("Engineering Analysis"); it is also available in form of eBook (www.bypas-int.net).

FACTS

The fact of FCA of BLRA is the result of very unprofessional approach to verifications of the SCANA/SCE&G Application. This size project had to be reviewed by the highest level of engineering teams with a proper education and very appropriate experience in several branches of science and engineering. It seems that conceptual work was done without fundamental knowledge at least in a few areas. Serious professionalism was replaced by “models” and “elementary percentages”, especially visible in process of the election of Jenkinsville. The elected technology, mostly questioned by environmentalists, has nothing to do with this terrible option of a financial source to cover costs of constrictions. It, with the legal error of approving BLRA as a legal ground does harmfully force SC people and businesses to become investors. SCANA is using unfairly SCE&G customers for the behalf of the Corporation. More facts can be found in detailed Engineering Analysis ⁴

ARGUMENTS

1. WHERE THE PUBLIC SERVICE COMMISSION (“PSC”) USES S.C. BASE LOAD REVIEW ACT (“BLRA”) TO ORDER REQUESTED ELECTRIC kWh RATE INCREASE FOR SCE&G RATEPAYERS.

PSC, which has no engineer in its seven-commissioner team never presented scientific support for usage BLRA as a legal ground for their Orders. Since 2008 none of the engineering job offer was filled. The last selected commissioner is ex-prosecutor. Victims have no information about any serious hearing before S.C. Legislature in this case very similar to Enron scandal. Voting public did not elect any of commissioners. The worst fact for victims happened when chair persons failed in the legal, so important leadership in financing, i.e. FCA of BLRA. Victims cannot see supervisory actions from Legislature, which is the issuer of BLRA without S.C. Governor’s signature. Compare this situation to Federal actions in Enron and Dynegy scandals.

2. WHERE PSC USES BLRA TO BLOCK INTERVENTIONS, MISLEAD PUBLIC AND/OR COVER UP SCANA LEGAL TEAM UNETHICAL/CRIMINAL ACTIVITY

ORS/PSC in entire process pretended to listen to public voices. After first stage with Order 2009-109(A) they present defending position for almost any remark and comment. Almost any Petition from outside is denied. Some denials are without true or any explanation. The level of negligence crossed the criminal aspect triggering point. There is no transparency, such necessary in 2014 Election year. To this scandal are added veterans and retirees ones. E.g. previous AARP protests went without a statement / excuse. SCE&G “medical discounts” are not visible among victims.

CONCLUSION

There is the 300% proof of FCA of BLRA to re-order return of illegally collected funds for the project. Engineering Analysis is completed and edited for a minimum five-grade educated reader and also with an ESL.

Victims of SCANA's affair with FCA of BLRA do expect financial reparations ASAP.

All sabotages of Bush-Obama stimulus are to be executed according to, known from previous scandals, False Claim Act and state ethical/criminal SC Code paragraphs.

In this Initial Brief, I, Wojcicki reserve all rights as the USA citizen, relator and advocate.

My multi-year expertise may deliver additional information if the Court will require.

Yours faithfully,

Joseph E. Wojcicki

820 East Steele Road

West Columbia, SC 29170-1125

October 17, 2014

SERVICE: Listed below parties receive a ecopy via email:

SCE&G

ORS

PSC

from joe4ocean@aim.com

LETTER TO THE APPELLATE COURT CLERK

October 17, 2014

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: Joseph E. Wojcicki v. ORS/PSC of S.C. & SCE&G/SCANA
Appellate Case No. 2014 - _____.

Dear Mr. Shearouse:

Enclosed please find for filing:

The Initial Brief and Designation of Matter together with Proof of Service via email.
Please note that I alone factually represent over 2 million SC electric energy users and perspective voters in 2014 Elections.

With kind regards,

Yours faithfully,

Joseph E, Wojcicki
820 East Steele Road
West Columbia, SC 29170-1125

SERVICE: Listed below parties receive e-copy /file via email:

SCE&G

ORS

PSC

from joe4ocean@aim.com

THE STATE OF SOUTH CAROLINA☐

In the Supreme Court

APPEAL FROM
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA.
PSC docket No. 2014-187-E
Case No. 2014 -00_____

Joseph Edward Wojcicki - the advocate for SCANA/SCE&G victims.
Appellant,

V.

South Carolina Electric and Gas/SCANA, South Carolina Office
Of Regulatory Staff /Public Service Commission,
Respondents.

INITIAL BRIEF of APPELLANT.

Joseph Edward Wojcicki

820 East Steele Road

West Columbia, SC 29170-1125

The energy Consultant, FCA of BLRA technical
investigator and the only one independent relator.

In behalf of millions of misrepresented victims.

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THE STATE OF SOUTH CAROLINA?

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Joseph Edward Wojcicki - the advocate for SCANA/SCE&G victims.
Appellant,

V.

South Carolina Electric and Gas/SCANA, South Carolina Office
Of Regulatory Staff /Public Service Commission,
Respondents.

CERTIFICATE OF SERVICE

I certificate on this date, I served a printed and signed copy of:

1. LETTER TO THE APPELLATE COURT CLERK
 2. DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL
 3. INITIAL BRIEF of APPELLANT
-

Mailing it to parties addresses:

Office of Regulatory Staff 1401 Maun Street, Ste 900 Columbia, SC 29201	S.C. Electric & Gas Company. P.O. Box 1000255 Columbia, SC 29202	Public Service Commission 101 Executive Center Drive Columbia, SC 29210
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October 17, 2014

Joseph Edward Wojcicki
820 East Steele Road
West Columbia, SC 29170

THE STATE OF SOUTH CAROLINA⁷

In the Supreme Court

APPEAL FROM
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA.
PSC docket No. 2014-187-E
Case No. 2014 -00_____

Joseph Edward Wojcicki - the advocate for SCANA/SCE&G victims.
Appellant,

V.

South Carolina Electric and Gas/SCANA, South Carolina Office
Of Regulatory Staff /Public Service Commission,
Respondents.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Order No. 2014-785 of September 30, 2014;
2. Order No. 2014-733 of August 27, 2014;
3. Challenge No. 251229 of June 23, 2014;
4. Declaration to Protest and Challenge - document No. 251866 of 8/11/2014;
5. Response –doc No. 252248 of 8/28/2014;
6. Amendment-doc No. 252249 of 9/2/2014;
7. Three Petitions –doc No. 252422 of 9/4/2014;
8. Directive/Order No. 252583 of 9/17/2014;
9. Engineering Analysis;
10. Notice of Appeal by Wojcicki

I certify that this designation contains no matter which is irrelevant to this appeal.

October 17, 2014

Joseph Edward Wojcicki
820 East Steele Road
West Columbia, SC 29170-1125

The energy Consultant, FCA of BLRA technical investigator and the only one
independent ex-intervenor. In behalf of millions of misrepresented victims.

Cc:

SERVICE: Parties to receive a copy via email: 1. SCE&G; 2. ORS ; 3. PSC